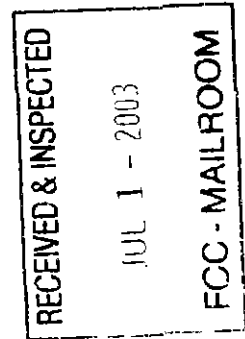




Federal Communications Commission  
Washington, D.C. 20554

June 27, 2003

Ms Linda A Davidson  
2134 Oak Street, Unit C  
Santa Monica, California 90405



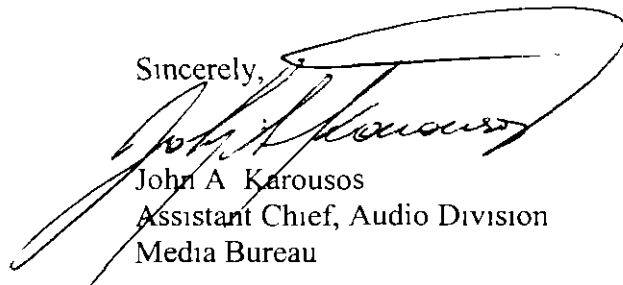
Dear Ms Davidson

This is in response to the Petition for Rule Making you filed proposing the allotment of Channel 253A at Argyle, New York

We have reviewed your proposal and find that it is unacceptable for rule making at this time. Your proposal for Argyle is short spaced to Station WCKM, Lake George, New York, which is currently licensed on Channel 253A at coordinates 43-25-12 and 73-45-37. Although we realize that Station WCKM, Lake George, has a one-step application amending its authorization from Channel 253A to Channel 256A which is fully spaced to your proposal, the authorized licensed site for Channel 253A and the allotment site for Channel 256A at Lake George conflict with your proposal. A rule making proposal must comply with the minimum distance separation requirements on the date it is filed. Section 73.208(a)(1) of the rules sets forth the reference points to be used in making this determination. In this situation, both the licensed site (Channel 253A) and the construction permit site (Channel 256A) represent authorized sites and a rulemaking proponent must meet the separation requirements for both sites. Our policy is to return petitions for rule making that are dependent upon finality of other actions or proceedings. *See Cut and Shoot, Texas*, 11 FCC Rcd 16383 (1996). Once Station WCKM, Lake George, is licensed on Channel 256A, the proposal for Argyle may be resubmitted for consideration.

Based on the above discussion, we are returning your petition for Argyle, Texas.

Sincerely,



John A. Karousos  
Assistant Chief, Audio Division  
Media Bureau

Enclosure

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D C 20554

RECEIVED & INSPECTED

MAY 1 2003

FCC - MAILROOM

In the matter of )  
Amendment of Section 73 202 (b), ) MB Docket No \_\_\_\_\_  
Table of Allotments )  
FM Broadcast Stations ) RM- \_\_\_\_\_  
(Argyle New York) )

**PETITION FOR RULEMAKING**

To the Chief, Allocations Branch

1 Linda A Davidson ("Petitioner") respectfully requests the Commission initiate a rulemaking proceeding for the purpose of considering amending Section 73 202(b) of the Commission's rules. In support whereof the following is stated

2 Petitioner proposes the Commission allot FM channel 253A to Argyle, New York, as its first commercial FM service. This would require amending Section 73 202(b) of the Commission's rules as follows

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Argyle, NY	-	253A

3 Argyle is a Town in N E New York. It is located in Washington County. In 2000, the United States Census Bureau estimated that Argyle had a population of 3688 persons. Argyle is run by an Elected Town/Village supervisor. The Village runs its own K-12 public school, the Argyle Central School. It has its own telephone exchange (638), Post Office and zip code (12809). Argyle has been a community since 1764. Its main employment is medical supply manufacturing. There are three companies producing medical supplies in Argyle. Argyle has its own Rescue Squad and Fire Department. The Argyle Free Library and Argyle Historical Society are located there, as are local branches of the American Legion and Grange. The Village's web site is located at [www.washco.net/argyle/town.htm](http://www.washco.net/argyle/town.htm). Finally, FM channel 220A is licensed to Argyle.

4 FM channel 253A can be assigned to Argyle in full compliance with the Commission's minimum distance separation requirements. This is illustrated in the attached spacing study. Coordinates used are N 43 13 48 W 73 29 06 and are located approximately 1 Km SE of Argyle. This site restriction is necessary to prevent a short spacing with station WCKM-FM, Lake George, NY. Petitioner is confident she can find a suitable transmitter site for this allotment if it is assigned as proposed.

5 Petitioner, or an entity with which she is affiliated, intends to apply for a construction permit to activate channel 253A if it is assigned to Argyle as proposed. If her application is granted, she shall promptly construct and operate the proposed station.

6 Petitioner hereby verifies and affirms that the statements given in this petition for rulemaking are hers and are accurate to the best of her knowledge.

Respectfully submitted,



Linda A Davidson  
2134 Oak St., Unit C  
Santa Monica, CA 90405  
April 23, 2003

Spacing study FM channel 253A, Argyle, New York

CHAN	FREQ	CALL	LOCATION	DIST	REQ	CLEAR	COMMENT
250A	97.9	WRIP	WINDHAM NY	123	31	92	
251C2	98.1	WJJR	RUTLAND VT	68	55	13	
252A	98.3	WHA1	GREENFIELD MA	100	72	28	
252A	98.3	WTRY-FM	ROTTERDAM NY	72	72	0	
252C3	98.3	WLNH-FM	LACONIA NH	166	89	77	
253B	98.5	WBMX	BOSTON MA	212	178	34	
253A	98.5	WCKM-FM	LAKE GEORGE NY	31	115	-84	SEE BELOW
253A	98.5	WCTW	CATSKILL NY	118	115	3	
254A	98.7	WOQL	WINCHESTER NH	100	72	28	
254B	98.7	WLZW	UTICA NY	13	113	25	
255C1	98.9	WOKO	BURLINGTON VT	138	75	63	
256A	99.1	WCKM-FM	LAKE GEORGE NY	31	31	0	FROM CHANNEL 253A

NOTES:

All distances are in Kilometers.

Only stations that clear by less than 100 Km are shown.

